



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
March 25, 2013

House Bill 6664, An Act Concerning Restraining Orders

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in regards to *House Bill 6664, An Act Concerning Restraining Orders*. The Branch is greatly concerned about the impact that this bill would have on our courts. It would expand the scope of the restraining order statute to allow all victims of stalking or sexual assault to apply for a restraining order.

As members of the Committee may be aware, under current law, civil restraining orders can be sought only by a family or household member against another family or household member. This also encompasses individuals in a dating relationship.

As drafted, this bill would permit any victim – which would be self-defined since there is no requirement of an arrest or a conviction – to seek a restraining order in family court, without any requirement of there being a family or dating relationship. This would effectively turn the family court into a de facto criminal court – creating difficult issues for the court, as well as questions of volume and staff resources, security and potentially overlapping jurisdiction if a criminal proceeding is initiated.

If enacted, judges would be placed in a very difficult position – trying to adjudicate matters when there may not be sufficient information on which to grant or deny the application for restraining order, assessing who a “victim” is in the absence of an arrest or conviction, and ensuring due process for the defendant/respondent. Furthermore, the impact on the court clerks in terms of the volume of filings, and more significantly on the Branch’s Family Services staff, could be enormous.

Family Relations Counselors are a key component in the resolution of family matters, including restraining orders. All parties currently subject to a restraining order issued by the court must meet with a counselor prior to the court hearing fourteen days after its issuance so that the counselor can assess the continued need for a restraining order and to make a recommendation to the court. Family Relations staff are specially trained to handle the complicated matters of intra-family dynamics. Asking counselors to take on this additional role would not only create a workload issue, but would also compel them to involve themselves in matters where there may be no relationship whatsoever between the applicant and the respondent.

Courthouse security is also of concern to the Branch. Given our limited resources, judicial marshals are mostly deployed in our criminal courts; if "criminal-type" proceedings are now to be heard in family court, it will be necessary to increase the number of marshals in each building and each courtroom to ensure that judges, courthouse staff, and the parties themselves are adequately protected.

Other concerns include: how conflicting court orders – should a criminal protective order also be sought – would be addressed, as well as more technical concerns, such as how a respondent would be notified of the temporary restraining order (TRO), as the applicant may not have this information.

The proponents of this bill have raised a valid issue; one that ought to be thoroughly discussed. We would respectfully submit, however, that the family court is ill-equipped to handle the non-family matters that it would now be asked to adjudicate.

Thank you for the opportunity to submit written testimony.